

EXHIBIT

A

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

DARRYL ASHMORE,

Plaintiff,

vs.

Case No. 9:16-cv-81710-KAM

NFL PLAYER DISABILITY &
NEUROCOGNITIVE BENEFIT PLAN,

Defendant.

RESPONSE TO PLAINTIFF'S INITIAL REQUESTS FOR ADMISSION

1. Admit that during the consideration of an application for total and permanent disability benefits, Defendant reviews submitted documentation, including medical records.

ANSWER: Defendant admits that, during the consideration of an application for total and permanent disability benefits, the Disability Initial Claims Committee and the Disability Board may review documentation submitted by or on behalf of a Player, including medical records. Defendant denies that the review of submitted documentation, including medical records, is necessary in every case.

2. Admit that the Defendant can approve applications for total and permanent disability benefits without conducting a medical evaluation.

ANSWER: Admitted.

3. Admit that the Defendant's denial of Mr. Ashmore's application for total and permanent disability benefits was based upon Mr. Ashmore's failure to attend scheduled medical evaluations.

ANSWER: Admitted.

4. Admit that the Defendant's denial of Mr. Ashmore's appeal for total and permanent disability benefits was based upon Mr. Ashmore's failure to attend scheduled medical evaluations.

ANSWER: Admitted.

5. Admit that Defendant did not have Mr. Ashmore's medical records reviewed by a medical professional during the application process.

ANSWER: Admitted.

6. Admit that Plaintiff's counsel submitted a letter dated October 27, 2015 requesting Mr. Ashmore be afforded travel accommodations.

ANSWER: Defendant admits that Plaintiff's counsel submitted a letter dated October 27, 2015. Defendant denies Plaintiff's characterization of that letter, which speaks for itself.

7. Admit that Elise Richard, Benefits Coordinator, assured Plaintiff's counsel via email dated October 28, 2015 that the letter dated October 27, 2015 would be presented to the Committee.

ANSWER: Defendant admits that, in an email dated October 28, 2015, Elise Richard informed Plaintiff's counsel that she would "be presenting everything to the Committee."

8. Admit that Plaintiff's letter dated October 27, 2015 was never presented to the Committee.

ANSWER: Denied.

9. Admit Defendant adheres to the Plan during the review of all applications for T&P benefits.

ANSWER: Admitted.

10. Admit that the Plan contains no provision regarding the establishment of a deadline to submit for the Initial Claims Committee or Disability Board to review.

ANSWER: Denied.

11. Admit there are no procedures, internal rules, guidelines, protocols or manuals used by Defendant in order to establish a deadline to submit documentation for the Initial Claims Committee or Disability Board to review.

ANSWER: Denied.

12. Admit Defendant informed Mr. Ashmore via letter dated May 04, 2016, that he had until July 19, 2016 to submit additional evidence in support of his appeal.

ANSWER: Admitted.

13. Admit that Plaintiff submitted a letter dated July 28, 2016, forwarding a neurological evaluation and a psychological report.

ANSWER: Defendant admits that Plaintiff's counsel submitted a letter dated July 28, 2016, which enclosed a report of a neurological evaluation and a psychological report, and stated that "[t]hese reports were previously submitted."

14. Admit that the July 28, 2016 letter, along with the enclosed medical documentation, was not presented to either the Initial Claims Committee or the Disability Board.

ANSWER: Admitted.

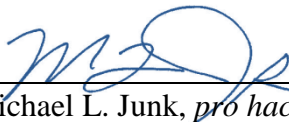
15. Admit Defendant has discretion to grant a player's request for accommodations related to any scheduled medical examinations.

ANSWER: Admitted.

16. Admit Defendant has in the past granted a player's request for accommodations related to a scheduled medical examination.

ANSWER: Admitted.

Dated: June 5, 2017



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COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June, 2017, a true and correct copy of the foregoing RESPONSE TO PLAINTIFF'S INITIAL REQUESTS FOR ADMISSION was served upon the following counsel of record for Plaintiff in the manner indicated below:

Edward Dabdoub
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(by e-mail)

Dated: June 5, 2017



Michael L. Junk, *pro hac vice*
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